

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PLUMBERS AND STEAMFITTERS LOCAL *
486 MEDICAL FUND, by its
Trustee, Bernard J. Vondersmith *

Plaintiff *

vs. * CIVIL ACTION NO. MJG-03-219

RITA L. BOOKS, et al. *

Defendants *

* * * * *

MEMORANDUM AND ORDER

The Court has before it the Motion to Dismiss Amended Complaint as to Defendant Nathaniel Fick, P.C. Client Trust Account and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

The bottom line is not difficult to reach. Plaintiff contends that, for technical reasons, a dismissal of Nathaniel Fick, P.C. Client Trust Account ("the Movant") would be fatal to its cause of action. The Movant did not reply to this contention.

The Court finds no reason to dismiss the case against the Movant. Plaintiff seeks no recovery from the Movant, but merely seeks to insure that, technically, it can obtain certain funds that already have been paid to the Court. The Movant will not be required to take any further action in the

case and can simply abide events. Nor does there appear to be any material detriment to Movant by having the case remain pending against it.

For the foregoing reasons:

1. Motion to Dismiss Amended Complaint as to Defendant Nathaniel Fick, P.C. Client Trust Account is DENIED.
2. The case shall proceed pursuant to existing scheduling.

SO ORDERED, on Friday, 2 May, 2003.

/s/

Marvin J. Garbis
United States District Judge